

Amanda M. Perach (NSBN 12399)
Kiley A. Harrison, Esq. (NSBN 16092)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
Telephone: (702) 873-4100
aperach@mcdonaldcarano.com
kharrison@mcdonaldcarano.com

Attorneys for Salem Regional Medical Center

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KEVIN K. SHANAHAN, MICHAEL
NEWTON, JAMES SHOWFROTH, AND
ROSEMARY KERRANE, as agent in fact and
durable power of attorney for ROBERT H.
SPINNEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

PERRY JOHNSON & ASSOCIATES, INC.,
NORTHWELL HEALTH, INC., SALEM
REGIONAL MEDICAL CENTER, AND
COOK COUNTY HEALTH,

Defendants.

Case No.: 2:23-cv-01947-RFB-DJA

**STIPULATION AND ORDER EXTENDING
TIME FOR DEFENDANT SALEM
REGIONAL MEDICAL CENTER TO
RESPOND TO PLAINTIFFS' AMENDED
COMPLAINT**

(FIRST REQUEST)

Pursuant to Local Rules IA 6-1 and 7-1, Plaintiffs Kevin K. Shanahan, Michael Newton, James Showfroth, and Rosemary Kerrane, as agent in fact and durable power of attorney for Robert H. Spinney ("Plaintiffs") and Defendant Salem Regional Medical Center ("Salem") (collectively, the "Parties"), hereby stipulate, agree, and respectfully request that the Court extend the deadline for Salem to answer, move, or otherwise respond to Plaintiffs' Amended Class Action Complaint ("Amended Complaint") until the later of either February 26, 2024 or thirty (30) days after a ruling on the pending Motion for Transfer and Centralization of Related Actions to the District of Nevada ("MDL Motion") currently before the United States Judicial Panel on Multidistrict Litigation. *See In re Perry Johnson & Assocs. Data Breach Litig. ("In re PJ&A")* MDL No. 3096, ECF No. 1. In support of this Stipulation, the Parties jointly state as follows:

1 1. On November 22, 2023, Plaintiffs filed the initial complaint against Cook County
2 Health, Northwell Health, Inc., and Perry Johnson & Associates, Inc. (ECF No. 1.)

3 2. On December 4, 2023, Plaintiffs filed the Amended Complaint, adding Salem as a
4 party. (ECF No. 13.)

5 3. On December 20, 2023, Salem was served a copy of the summons and Amended
6 Complaint.

7 4. Based on the service date of December 20, 2023, Salem's response to the Amended
8 Complaint is due on January 10, 2024.

9 5. A number of actions have been filed arising from the alleged data security incident
10 announced in 2023 by Perry Johnson & Associates, Inc. On December 8, 2023, Plaintiffs in several
11 of these actions filed the MDL Motion that is pending before the United States Judicial Panel on
12 Multidistrict Litigation. *In re PJ&A*, ECF No. 1. A hearing on the MDL Motion is set for January
13 25, 2024. *Id.* at ECF No. 5.

14 6. An extension of Salem's deadline to answer or otherwise respond to the Amended
15 Complaint until after a ruling on the pending MDL Motion will permit sufficient time for Salem to
16 investigate factual and legal issues and to assess what impact, if any, the MDL Motion may have on
17 the above-captioned action, including potential centralization.

18 7. No scheduling order has been entered in this action, thus there are no dates set for
19 trial, motions or discovery.

20 8. This is Salem's first request for an extension of time to respond to the Amended
21 Complaint, the request is not for the purposes of delay, and the requested extension will not prejudice
22 any party.

23 9. By appearing herein and entering into this Stipulation, Salem does not waive any
24 defenses available to it, including jurisdictional defenses.

25 ///

26 ///

27 ///

10. WHEREFORE, the Parties hereby stipulate, agree, and respectfully request that the Court extend the deadline for Salem to answer, move, or otherwise respond to the Amended Complaint until the later of either February 26, 2024 or thirty (30) days after a ruling on the pending MDL Motion.

Dated: January 9, 2024

Respectfully submitted,

s/ Don Springmeyer

Don Springmeyer, Esq. (NBN 1021)
KEMP JONES, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
d.springmeyer@kempjones.com

s/ Amanda M. Perach

Amanda M. Perach (NSBN 12399)
Kiley A. Harrison, Esq. (NSBN 16092)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
aperach@mcdonaldcarano.com
kharrison@mcdonaldcarano.com

Amy E. Keller (*pro hac vice*)
DICELLO LEVITT LLP
10 North Dearborn Street, Eleventh Floor
Chicago, Illinois 60602

*Attorneys for Defendant
Salem Regional Medical Center*

Justin J. Hawal (*pro hac vice*)
DICELLO LEVITT LLP
8160 Norton Parkway, Third Floor
Mentor, Ohio 44060

James J. Pizzirusso (*pro hac vice*)
Amanda V. Boltax (*pro hac vice forthcoming*)
HAUSFELD LLP
888 16th Street, NW, Suite 300
Washington, D.C. 20006

Steven M. Nathan (*pro hac vice*)
HAUSFELD LLP
33 Whitehall Street, 14th Floor
New York, NY 10004
Counsel for Plaintiff and the Class

ORDER

IT IS THEREFORE ORDERED that the parties' stipulation (ECF No. 35) is **GRANTED IN PART AND DENIED IN PART**. It is granted in part regarding the parties' request that Defendant Salem Regional Medical Center have until February 26, 2024 to file a response to Plaintiffs' complaint. It is denied in part regarding their request that they have until thirty days after a ruling on the pending motion to transfer to respond to the complaint. In the event that the February 26, 2024 deadline passes without a ruling on the motion to transfer, the parties may file another stipulation identifying a concrete deadline to which the Court can move the deadline to respond to the complaint.

DATED: 1/10/2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 9th day of January, 2024, I caused a true and correct copy of the foregoing **STIPULATION AND ORDER EXTENDING TIME FOR DEFENDANT SALEM REGIONAL MEDICAL CENTER TO RESPOND TO PLAINTIFFS' AMENDED COMPLAINT (FIRST REQUEST)** to be served via this Court's CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notification.

s/ Kimberly Kirn
An employee of McDonald Carano LLP